

July 30 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANAIN THE SUPREME COURT OF THE STATE OF MONTANA
NO. DA 09-0322PLAINS GRAINS LIMITED PARTNERSHIP,)
et al.,)

Appellants,)

vs.)

BOARD OF COUNTY COMMISSIONERS OF)
CASCADE COUNTY, the governing body of)
the County of Cascade, acting by and through)
Peggy S. Beltrone, Lance Olson and)
Joe Briggs,)

Appellees.)

and)

SOUTHERN MONTANA ELECTRIC)
GENERATION and TRANSMISSION)
COOPERATIVE, INC., *et al.*,)

Appellees/Cross-Appellants.)

On appeal from the Montana Eighth Judicial District Court

Cause No. BDV-08-480

Honorable E. Wayne Phillips Presiding

**JOINT MOTION TO HOLD IN ABEYANCE FILING DEADLINE FOR
OBJECTIONS TO PETITION FOR REHEARING**

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JOINT MOTION

COME NOW, counsel for record of all parties to this appeal, and pursuant to Mont.R.App.P. 20, hereby jointly request the Court to hold in abeyance the filing deadline for objections to the Petition for Rehearing, filed July 30, 2010, by Southern Montana Electric and the Urquharts.

Under Rule 20(2)(b) Mont.R.App.P., a party opposing a Petition for Rehearing is allowed 15 days, from the filing date of the Petition, to file and serve objections. Rule 20(2)(c) provides for a 15 day extension of the filing deadline for objections “upon a showing of unusual merit,” and further provides that in no event shall the extension of time exceed 15 days. The 15 day extension period runs from the date of the Court’s order granting the motion. Rule 20(2)(c), Mont.R.App.P.


Counsel hereby advise the Court that they have scheduled an initial meeting, on July 29, 2010, at which time counsel will confer and discuss the various issues and alternatives associated with an informal resolution to this litigation as well as other possible related litigation. Due to the complexity of this litigation and further litigation on related matters, the various interests represented and the number of parties involved, counsel anticipate an informal resolution will necessitate a series of meetings. In the meantime, counsel agree that the better alternative is to hold in abeyance the filing of objections to the Petition and ruling on the Petition during

the pendency of the parties' discussions.

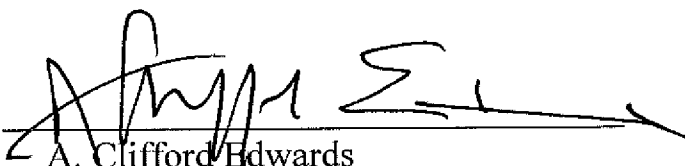
Counsel believe that unusual merit justifies this request because the additional time will allow the parties the opportunity to attempt to reach final agreement on the many issues in this complex litigation as well as further related litigation. Accordingly, counsel jointly move the Court to hold in abeyance the filing deadline for objections to the Petition, pending informal settlement discussions. Based on the unequivocal language of Rule 20, counsel understand that this extension of time cannot exceed 30 days from the date of the Order granting this motion.

DATED this 29 day of July, 2010.

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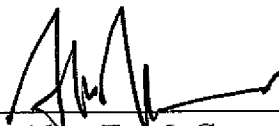
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CERTIFICATE OF COMPLIANCE

Pursuant to Rule 16(3) of the Montana Rules of Appellate Procedure, I certify that the foregoing brief is printed with a proportionately spaced Times New Roman test typeface of 14 points, is double spaced, and the word count calculated by Microsoft Word is not more than 1,250 words, excluding Certificate of Service and Certificate of Compliance.

DATED this 29th day of July, 2010.



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CERTIFICATE OF SERVICE

I hereby certify that the foregoing was duly served upon the respective attorneys for each of the parties entitled to service by depositing a copy in the United States mails at Great Falls, Montana, enclosed in a sealed envelope with first class postage prepaid thereon and addressed as follows:

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